

Remarks/Arguments

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 52 and 72 have been amended to clarify that the filter membrane forms a single layer filter basket. New claims 94 and 95 have been added to round out the potential scope of protection. No new matter has been added, as these amendments are abundantly supported by the originally filed specification and drawings.

Applicants respectfully traverse the Examiner's rejection of claims 52, 54-55, 57-72, 74-75, and 77-93 under 35 U.S.C. §102(e) as anticipated by Mazzocchi et al. (U.S. Patent No. 6,605,102). In order to anticipate, the cited reference must disclose each and every claimed element. Mazzocchi et al. fail to do so.

In particular, the independent claims require a single layer filter membrane. The Examiner has asserted that the open-ended "comprising" claim language recited in the independent claims does not exclude additional layers. The Examiner is wrong. While the open-ended transitional language does generally permit inclusion of additional elements, it is believed that reciting "a single layer of filter membrane" excludes adding additional elements, including additional layers, to the filter membrane.

If, for example, Applicants were claiming "a layer of filter membrane", the Examiner would be correct in saying that this does not exclude additional filter membrane. However, Applicants are claiming "a single layer of filter membrane". One of even ordinary skill in the art, having read and understood the instant specification, would interpret "single" as meaning "one and only one". Therefore, the two layer filter membrane disclosed by Mazzocchi et al. cannot be considered as anticipating the claimed single layer membrane.

Applicants have amended the independent claims to recite that the single layer of filter membrane defines a single layer filter basket. A single layer filter basket cannot be anticipated by a two layer filter basket as disclosed in Figure 11b of the cited reference. A single layer filter basket cannot be anticipated by a two layer filter basket formed by a filter membrane folding back over itself to form a two layer filter basket. Newly added claims 94 and 95 further spell out this distinction.

For at least these reasons, the claimed invention is patentable over the cited

reference. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 56 and 76 under 35 U.S.C. §103(a) as being unpatentable over Mazzocchi et al. (U.S. Patent No. 6,605,102) in view of Daniel et al. (U.S. Patent No. 5,814,064). For similar reasons given above, as well as others, claims 56 and 76 are believed to be patentable over Mazzocchi et al. Favorable reconsideration is respectfully requested.

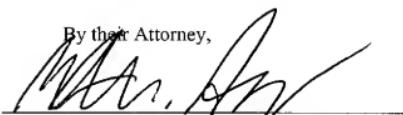
In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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